

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. _____

Lisa A. Biron,

Plaintiff,

v.

Michael Carvajal, Director Federal Bureau of Prisons;
FCI Waseca Warden Mistelle Starr; Deanna Hiller,
FCI Waseca Unit Manager,

Defendants.

**NOTICE OF REMOVAL
OF CIVIL ACTION TO
FEDERAL COURT**

Pursuant to 28 C.F.R. § 50.15, the United States¹ on behalf of Defendants Warden Mistelle Star and Deanna Hiller, Unit Manager², by and through Erica H. MacDonald, the United States Attorney for the District of Minnesota, and Erin M. Secord, Assistant United States Attorney, hereby give notice to the Plaintiff Lisa A. Biron and to the state court as follows:

1. Starr and Hiller are the Defendants in a civil action that was served on Starr and Hiller as an unfiled case. For the purpose of accomplishing a proper removal of this action to federal court, this action has now been filed by the United States in the Third

¹ At this time, the undersigned counsel provisionally represents the defendants pursuant to 28 C.F.R. § 50.15 for the purpose of effectuating a timely removal. Representation decisions have not yet been made.

² As of the date of this Notice, upon information and belief, Defendant Michael Carvajal, Director Federal Bureau of Prisons, has not yet been served with the Summons or Complaint.

Judicial District, Waseca County District Court, *Biron v. Carvajal, et al.*, 81-CV-20-635 (Dist. Ct. Waseca Cnty. 2020). Trial has not yet been had therein.

2. That the above-entitled action was commenced against the Defendants Starr and Hiller via delivery of a copy of the Summons and Complaint. Copies of all process and pleadings received by Defendants Starr and Hiller are attached hereto and incorporated herein as Exhibits 1 and 2.

3. This notice of removal is filed pursuant to 28 U.S.C. §§ 1441, 1442(a)(1), and 1446. Said action seeks a determination that Defendant Starr in her official capacity and Defendant Hiller acting in her official and individual capacity and under the color of federal law, violated the Plaintiff's rights under the United States Constitution.

WHEREFORE, notice is hereby given that the said action is removed from the state court into this court for trial or such other determination as this court may make regarding the action in accordance with its jurisdictional limits under 28 U.S.C. §§ 1441, 1442 and 1446 and Fed. R. Civ. P. 81(c).

Dated: October 5, 2020

ERICA H. MacDONALD
United States Attorney

s/ Erin M. Secord

BY: ERIN M. SECORD
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Erin M. Secord, declares under penalty of perjury as provided by 28 U.S.C. §1746, that he is an Assistant United States Attorney for the District of Minnesota and, pursuant to 28 C.F.R. § 50.15, represents the Defendants named herein; that she has read the foregoing notice and knows the contents thereof; that the same is true of her own knowledge, except as to any matters stated therein on information and belief and as to those matters she believes them to be true.

Dated: October 5, 2020

s/ Erin M. Secord

ERIN M. SECORD

Assistant United States Attorney